

APPEAL NO. 020822
FILED MAY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 5, 2002, with the record closing on March 26, 2002. The appellant (carrier) appeals the hearing officer's determination that the carrier is not entitled to reduce the respondent's (claimant) income benefits to recoup the overpayment of \$2,706.06. There is no response from the claimant contained in our file.

DECISION

Affirmed as reformed.

It is undisputed that the Carrier's Request for Reduction of Income Benefits Due to Contribution (TWCC-33) was received by the Texas Workers' Compensation Commission (Commission) on October 1, 2001. As we said in Texas Workers' Compensation Commission Appeal No. 002211-S, decided November 6, 2000, "Contribution does not apply to any income benefit payments which accrue prior to the filing of the request for contribution. The carrier may only recoup overpayments on IIBs [impairment income benefits] and SIBs [supplemental income benefits] that accrue on or after the date the carrier files the request for contribution with the Commission." We affirm the hearing officer's conclusion that the carrier is not entitled to reduce the claimant's future income benefits to recoup payments made between May 7, 2001, and October 1, 2001.

Additionally, Finding of Fact No. 8 is reformed to correct a typographical error, changing the overpayment from \$2,606.06 to the proper amount of \$2,706.06.

The decision and order of the hearing officer are affirmed, as reformed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge